

Telecommunications Commission

Minutes

January 26, 2011

1. Call to Order

The meeting was called to order at 7:08 p.m. by John Lozano.

2. Roll Call

The following members were present: William Surette, Tom Gregory, Danielle Davis, Russ Moulton, Jim Minor and John Lozano. Marie Schuler represented Comcast and Susan Rodgers represented Cox. Bethany Miller from Stafford Economic Development was there and Shannon Howell represented County Administration.

3. Election of Officers

Mr. Lozano was elected Chairman by secret ballot. Mr. Gregory was elected Vice Chairman.

4. Presentations by the Public

Bob Cotov, of the Hartwood District, said the majority of residents in his neighborhood do not have internet service. Mr. Cotov said Verizon was supposed to provide service but the neighborhood did not meet their standards. Mr. Cotov contacted Supervisor Susan Stimpson to help with inquiries at Comcast. Comcast did a survey but there is still no internet service.

Danielle Davis pointed out that because of franchise agreements, the Telecommunications Commission can only address cable television questions.

Russ Moulton disagreed, saying he feels the Commission's charter includes pushing for broadband.

Mrs. Davis agreed but said that by law, the providers aren't required to listen.

Mr. Gregory concurred.

Mr. Lozano stated that the Commission will review all the standing franchise agreements and see what they can do to help the residents who came to the meeting.

Dan Tulloh, of the Hartwood District, spoke about not having internet or cable service. His son is a student in Stafford County Schools. He is concerned about his son's ability to access and turn in assignments online.

Mr. Gregory said he addressed Mr. Tulloh's concerns to Verizon three months ago. He stated that Verizon did not care about his concerns because it's not in their agreement. He also pointed out that the Commission cannot discuss internet access.

Sean Carrington, the developer of Richland Forest subdivision, spoke next. He said that Verizon is at the edge of Richland Forest. Verizon said they could not provide internet service because Comcast is the provider of record according to their website. Mr. Carrington said it took six months to find the right Verizon person to speak to. He finally talked to someone at Comcast who said they would provide it and then they said they wouldn't. The neighborhood still does not have internet or cable.

Mr. Gregory and Mr. Lozano both suggested that putting infrastructure for internet in when building the neighborhood might speed up the process.

Mr. Carrington replied that in his 20 years of being a builder, he had never seen that.

Mr. Lozano stated "Is it safe to say you are here to have conversations with the provider on this and future developments?"

Mr. Carrington agreed and said it was also to let the Commission know the history behind it, the times it takes and what the companies are doing.

Tom Schoedel, of Atlantic Builders who built Richland Forest, spoke next. He said around 50% of their prospective purchasers are looking for property where they can work at home and need internet access.

Danielle Davis suggested he exchange cards with Marie Schuler from Comcast.

Mr. Schoedel said there are 22 homes built and 10 not built yet.

Mr. Carrington said there are 100 more lots to be built behind the current section.

Theron Howton, of the Hartwood District, said an address at the front section of his neighborhood has internet. He has lived in his house for a year. He has requested four separate Comcast survey requests and none of them have been done.

Danielle Davis asked Shannon Howell to request plat maps for Richland Forest and Abel Lake Forest from GIS.

Mr. Howton's concern is that he has three children in Stafford County schools and he is a consultant. They all need access to the internet.

Danielle Davis pointed out that a survey is being done in the Aquia District right now of neighbors to see how many people would subscribe to cable and for how long. She said if residents can make a business case to providers, it is much more doable.

Mr. Moulton said we should have a template for citizens to walk them through the step of doing a survey.

Derrick Carter, of the Hartwood District, said he would like to go on record as saying he just wants cable television service.

Kimberly Carter, of the Hartwood District, said all they have is a basic phone line from Verizon that still is above ground. She said like all the other individuals who spoke, they are professionals who need to access information. She has consulted both Comcast and Verizon and still does not have cable or internet. Her house hold does have Mifi but it is spotty and unreliable.

Mr. Gregory said the Commission had been trying to bring in Wifi providers. They have talked to Milestone about bringing in the same kind of service they provide to Fairfax County. He asked for everyone's input on what they would like and the Commission would take it to the provider.

Mrs. Davis said the Commission has made significant inroads on getting cable in neighborhoods, but pointed out that it is not an overnight process. She said Verizon does not even send reps to the meetings anymore. Mrs. Davis said Commission members are as frustrated as the residents.

Mr. Howton said he bought his house knowing internet is close by and with the gamble that more houses would be built to meet the linear mileage requirement.

Mrs. Davis said that is why she has requested plats from the County and will get him a petition. Mrs. Davis said if the houses are there, then the Commission can go to the County and say the provider is violating the franchise agreement.

Mr. Gregory recognized the tremendous cooperation the Commission has received from both Comcast and Cox.

Mr. Carter asked if there is anything on the Commission's website where citizens can go to track the progress of cable in certain neighborhoods?

Mrs. Davis said no.

Mr. Lozano said they may find they can't put that information on the internet because of potential misuse but they have representatives there who by telephone or email can answer your questions.

Mr. Moulton, the Hartwood District representative, said he has been overwhelmed by calls.

Laura Dahlke, of the Hartwood District, talked to Comcast who told her there would be no service. She also talked to Verizon who said they would hook her up. No one came for the appointment. She spoke to someone at Verizon and asked to speak to the next level of supervisor. As soon as that person heard she did not have a land line, they started talking about doing a survey of her neighborhood. She is upset because she is a government employee who is on call 24 hours a day. She barely gets cellular service there so she often can't be reached. Her daughter, a student in Stafford County schools, failed gym because she couldn't access an assignment online. She has refused to get a land line because she doesn't want to commit to a contract now when she might want to bundle later.

Mr. Lozano said if at any point the Commission can advocate for her, they will. But, he said, if she refuses one level of service, in anticipation of getting another service, that is her decision.

Patricia Miller, of the Hartwood District, said her concern was having no cable service provider. When she moved in, both Cox and Comcast did a survey but she hasn't heard any results. She spoke to Verizon who said they would not provide service. She spoke to a woman from Verizon in August and hasn't heard back from her. She has written a six page letter to Verizon and been on hold for two hours with Comcast and still hasn't heard anything. She is also concerned as an educator that children do not have access to the internet.

Christine Kelly, of the Hartwood District, spoke about the Accelerate Virginia Project and said they couldn't even do a speed test.

Mrs. Davis said the Governor's broadband commission came up with maps showing that Stafford was almost completely covered by broadband. She said she will check back with them. She said one of the problems with broadband is the different speeds of deliveries so the maps don't necessarily show what people generally think of as broadband.

Mrs. Miller also said her street is a private road owned by the residents.

Mr. Gregory and Mrs. Davis both said you have to be careful in this type of situation that there is a right of way.

Dedra Bowles, of the Hartwood District, asked to be added to the distribution list.

Mrs. Davis said that is for the survey she is going to send to Mr. Howton.

Mr. Lozano said if the process of making surveys available to the public on the website is formalized, Mr. Moulton has suggested there would be a way to contact her.

Warren Lee, of the Hartwood District, a Comcast customer, says the franchise agreement requires that the provider written proof of the billing authority. He says his bill says

Fredericksburg is his billing authority and he lives in Orange in Lake of the Woods. He talked on with Jenny from Comcast who told him a supervisor would contact him – no one did. He went to the Stafford office of Comcast where Michelle told him someone would contact him. No one did. He mailed a letter and no one responded. He thinks providing incorrect billing authority information violates the franchise agreement.

Mrs. Davis said she had asked staff five months ago for the quarterly customer service numbers because those stopped coming to the Commission.

Mr. Gregory said the best they could do is ask the provider to come back the next month and see what they have to say.

Mr. Lee pointed out that the website indicates only three meetings were held by the Telecommunications Commission in the previous year.

Mrs. Davis pointed out that they cannot meet if they do not have a quorum.

Mr. Gregory made a motion to close the presentations by the public. Mr. Minor seconded him.

5. Approval of December Minutes

Mr. Lozano requested a motion to accept the December minutes as they are and review them to make sure complaints were added to the matrix. Mr. Gregory seconded.

Mr. Lozano said they have a change in the third page, final paragraph that it should read the county should pay the tower owner.

Mr. Minor moved to accept the minutes; Mr. Moulton seconded.

6. Members Concerns

Mr. Moulton asked if there is a second in the agenda for “old business”. He said he would make a motion that they add it under agenda items.

Mr. Lozano said in the meantime, old business would fall under members concerns.

Mr. Moulton said he was concerned because he thought the Commission was beyond having to lecture residents on not asking for internet. He said he thought the Commission had asked for the County Attorney to provide a single statement that they could read to residents and not make them feel like they can’t help them. He said the Commission decided to request the statement by vote.

Mr. Gregory said he remembered that but felt like he needed to advise the citizens attending the meeting.

Mr. Minor said he didn't feel like there was an air of collegiality at the meeting. He said they need to tell residents they are bound by the contract.

Mr. Moulton requested getting the County Attorney's opinion so the Commission Chairman can read it before public presentations.

Members discussed the need for a coherent process for the complaint matrix and a need for updates to be sent to members a week before meeting.

Mr. Moulton moved that staff put together a template with vertical sections in it that include a citizen neighborhood area survey, with names and addresses if they are willing to sign up for cable, digital phone, digital internet, and for how long – that's section one. Section two would be a survey of the number of homes in the vicinity they think the provider might be interested in. Section three would be a survey of local strip malls or businesses in the area they think the provider might be interested in and a blank section for comments.

Mr. Lozano said he is going to table this until new business so Marie Schuler can have a chance to speak.

Ms. Schuler stated that she understands the residents' frustrations. She said part of the problem is zoning. The County has approved large lots that are hard to provide service to. She said if she had known the residents were coming ahead of time she could have done a feasibility study. She said the engineers are trying to get more information from the developer. She said ultimately she did not know if Comcast can or cannot provide service to Richland Forest. She does not know about Abel Lake but will check to see if they meet the density.

Mr. Minor said there was an item in the minutes about a Potomac Hills residence not receiving service. He said they are now receiving service from Comcast and seem satisfied. He said the residents' concern about lines being laid on top of the ground seems to be being resolved as the cable seems to be disappearing in the neighborhood.

Mr. Gregory had concerns about the County's agreement with the builder of the tower adjacent to North Stafford High School on County property where a water tank is located. The agreement requires the owner to pay the County \$20 to lease the land under the tower for the first 20 years and \$20 for the second. Mr. Gregory feels the tower owner has broken their contract with the County by asking the county to pay rent for putting up antennas for the Sheriff's Office and Fire and Rescue. He said staff hasn't moved on this.

Mr. Lozano asked for a copy of the agreement via email from Mr. Gregory. Mr. Gregory said he would try to email his copy if staff could not.

Mr. Gregory also said the Commission had had a meeting with Milestone three months ago. He has heard nothing from the County on feedback from the meeting.

Mr. Moulton made a motion that the Commission add "Old Business" to the agenda before "New Business" on all future agendas. Mr. Gregory seconded.

7. **New Business**

Mr. Moulton moved to ask Shannon Howell to put together the template described above in the minutes. Mr. Gregory seconded.

Bethany Miller, of Stafford County Economic Development, gave a description of the upcoming Telecommunications Summit geared towards the business community on February 10, starting at 7:30 a.m. on the University of Mary Washington's Stafford campus.

Mr. Lozano moved to omit citizen's addresses from the published minutes. Mr. Minor seconded.

Mr. Gregory made a motion to formally request from the Superintendent of Stafford County Schools the official policy regarding the requirement of a student to provide use of the internet from home in order to complete an assignment and receive a grade for it. Mr. Moulton seconded.

8. **Adjournment**

Mr. Moulton moved to adjourn. Mr. Gregory seconded. The Commission adjourned at 10:55 p.m.